

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE:

LITHIUM ION BATTERIES ANTITRUST
LITIGATION

Case No. [13-md-02420-YGR](#) (DMR)

**ORDER GRANTING
ADMINISTRATIVE MOTIONS TO
FILE UNDER SEAL**

Re: Dkt. Nos. 764, 795

Plaintiffs and Defendants LG Chem Ltd. and LG Chem America, Inc. (“LG Chem”) have filed a joint discovery letter. They have also submitted motions to file portions of the discovery letter and evidence cited therein under seal. [Docket Nos. 764, 795.] This order addresses only the motions to seal.

I. LEGAL STANDARDS

Civil Local Rule 79-5(b) states that “no document may be filed under seal (i.e., closed to inspection by the public) except pursuant to a court order that authorizes the sealing of the particular document, or portions thereof. A sealing order may issue only upon a request that establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law (hereinafter referred to as ‘sealable’).” “The request must be narrowly tailored to seek sealing only of sealable material, and must conform with Civil L.R. 79-5(d).” *Id.* Furthermore, “[r]eference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Civ. L.R. 79-5(d)(1)(A).

Pursuant to Civil Local Rule 79-5(e), a party must file under seal a document designated as confidential by the opposing party or a document containing information so designated by an opposing party. “Within 4 days of the filing of the Administrative Motion to File Under Seal, the

Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.” Civ. L.R. 79-5(e)(1). “If the Designating Party does not file a responsive declaration as required by subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the Submitting Party may file the document in the public record no earlier than 4 days, and no later than 10 days, after the motion is denied.” Civ. L.R. 79-5(e)(2).

II. DISCUSSION

Plaintiffs move to seal portions of the joint letter and evidence containing information designated by LG Chem as confidential. Specifically, Plaintiffs move to seal portions of the August 7, 2015 joint letter and Exhibits 8 and 10 to the August 18, 2015 Declaration of Aaron Sheanin.

LG Chem has timely filed the responsive declarations required by Civil Local Rule 79-5(e)(1), and has sufficiently explained that all of the designated material is sealable because it refers to confidential, sensitive employee information about a non-party, as well as LG Chem’s confidential internal policies. [Docket Nos. 775, 807.] Accordingly, Plaintiffs’ motions to seal are **GRANTED**.

IT IS SO ORDERED.

Dated: September 15, 2015

